GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants – All India Services – Sri Bhanwarlal, IAS (RR-83) – Disciplinary action – Charges framed – Statement of Defence called for.

GENERAL ADMINISTRATION (SC.D) DEPARTMENT

G.O.RT.No. 2441 Dated: 31-10-2017

ORDER:

Government have decided to initiate disciplinary proceedings against Sri Bhanwarlal, IAS (RR-83), under Rule 8 of the All India Services (Discipline & Appeal) Rules 1969. The substance of misconduct or misbehaviour in respect of which disciplinary action is proposed to be initiated is set out in the enclosed Statement of article of charge (Annexure-I).

2. A statement of imputations of misconduct in support of the Article of charge together with a list of documents by which and a list of witnesses by whom the article of charge is proposed to be sustained are also enclosed as Annexures II, III & IV respectively.

3. Sri Bhanwarlal, IAS., is directed to submit a Written Statement of Defence (in triplicate) and also state whether he desires to be heard in person, within 15 (fifteen) days of receipt of this order.

4. Sri Bhanwarlal, IAS, is informed that an inquiry will be held only if the article of charge is not admitted and in case if it is considered necessary. He should, therefore, specifically, admit or deny the article of charge.

5. Sri Bhanwarlal, IAS, is further informed that if no Written Statement of Defence is filed within the time specified in para 3 above, or if he does not appear in person before the Inquiring Authority or otherwise fails or refuses to comply with the provisions of rule 8 of All India Services (Discipline & Appeal) Rules 1969 or the orders or directions issued in pursuance of the said rules, action will be taken against him based on the material available on record on the ground that he has no explanation to offer.

6. Attention of Sri Bhanwarlal, IAS, is invited to rule 18 of the All India Services (Conduct) Rules 1968, according to which no member of Service should bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that Sri Bhanwarlal, IAS, is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 18 of All India Services (Conduct) Rules, 1968.

(P.T.O.)

7. This Order is sent to Sri Bhanwarlal, IAS, in duplicate. He is directed to acknowledge the receipt with date on the duplicate copy and return the same to Government, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DINESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

To
Sri Bhanwarlal, IAS (RR:83)

Copy to:
The Secretary to Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, North Block, New Delhi-110001.
The General Administration (SC.A) Department
The General Administration (SC.E) Department
The General Administration (Accom.B) Department.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER (SC)

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI BHANWARLAL, IAS (83).

ARTICLE OF CHARGE

"That Sri Bhanwarlal, IAS (RR-83) has committed grave misconduct in as much as indicated below:-

The Member of Service (MoS) has failed to pay the penal rent arrears of Rs.4,37,500/-, for un-authorised stay in the Government Quarter, though he was directed to pay the arrears in 2007 itself. He has not paid the arrears so far.

The conduct of the Member of Service not to pay the penal rent arrears is unbecoming of the conduct of the All India Service Officers.

Thus, Sri Bhanwarlal, IAS (83), by his above mentioned acts failed to maintain absolute integrity, devotion to duty and exhibited conduct unbecoming of member of service and thereby contravened rule 3(1) of All India Services (Conduct) Rules, 1968.

DINESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER (SC)

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI BHANWARLAL,IAS (83).

Sri Bhanwarlal,IAS, worked as Collector & District Magistrate, Hyderabad during the period from 11/1996 to 7/2000. During that period the Quarter No.33, Road No.13, Banjara Hills, Hyderabad, which was earmarked for Collector & District Magistrate, Hyderabad, was allotted to Sri Bhanwarlal, IAS and he occupied the quarter in 11/1996. Even after his transfer from the post of Collector & District Magistrate, Hyderabad during 7/2000 he continued to stay unauthorisedly in the said quarter upto 9.5.2006 (nearly 70 months) without obtaining the prior permission of Government and caused embarrassment to Govt.

2. The Govt., in Memo No.52525/Accom.B1/2005, dt.3.5.2005 directed Sri Bhanwarlal, IAS to vacate the Quarter No.33 which is earmarked to Collector & District Magistrate, Hyderabad on the request of the then Collector & District Magistrate, Hyderabad (Sri Aravind Kumar, IAS). Accordingly the Estate Officer, Hyderabad has issued Eviction Notice, under sub-section (1) of section 4 of the Andhra Pradesh Public Premises (Eviction of unauthorized occupants) Act, 1968, on 02.6.2005 to Sri Bhanwarlal, IAS to vacate the Quarter.

3. The Government has taken a serious view on the attitude of Sri Bhanwarlal, IAS., who was dragging the issue of vacation of Quarter No.33 with one reason or another, and insisted the Estate Officer, Hyderabad in Memo No.2008/Accom.B1/2006-7, Dt.01.5.2006 to take possession of the earmarked building of the Collector & District Magistrate, Hyderabad by force on 5.5.2006 and hand it over to the then Collector & District Magistrate, Hyderabad for his occupation. The Estate Officer, Hyderabad was compelled to use force to vacate the quarter from Sri Bhanwarlal, IAS and hand it over to the then Collector & District Magistrate, Hyderabad.

4. As Sri Bhanwarlai, IAS had occupied the quarter without authorization, the Estate Officer has issued a demand notice for payment of penal rent of Rs,17,50 lakhs @ Rs.25,000 per month from 8/2000 to 5/2006, as per the provisions of orders issued in Memo No.92482/Accom.B1/2005, Dated.24-8-2005. Later on, the Government as a general principle has reduced the penal rent @ 75%, vide Government Memo.6045/Accom.B/07, Dated. 9-5-2007 for the period of over stayal and accordingly, Sri Bhanwarlal, IAS was directed to pay an amount of Rs.4,37,500 i.e.,25% of the amount of Rs, 17,50,000/- as penal rent.

5. Accordingly, the Revised Rent Recovery installment particulars as approved by the Government i.e., (88) installments @ Rs. 5000/- per month and the last installment amount for Rs.2500/- totaling of Rs. 4,37,500/- towards over stayal period in the Government earmarked Building No. 33, Road, Banjara Hills, Hyderabad which was earmarked for the Official Camp Office to the District Collector, Hyderabad for the period from July, 2000 to April, 2006 for (70) months for the recovery of penalty w.e.f. May, 2007, have been communicated by the Estate Officer, Hyderabad to the Member of Service as well as the Drawing & Disbursing Officer concerned vide.No.EO/DAC/SC/AG/2006/07, dt:10-5-2007. The Estate Officer, Hyderabad vide his letter No.B1/Bldg.No.33/1372/2004, Dt:24.01.2013 has reported that against the said revised demand of Rs. 4,37,500/-, no amount was realized.

(P.T.O.)

6. The Member of Service neither paid the reduced penal rent levied nor responded to the demand notice issued by the Estate Officer, Hyderabad. This act of the Member of Service caused much embarrassment / piquant situation to the Government.

7. Thus, the MoS by his above mentioned acts has failed to maintain absolute integrity, devotion to duty and conduct unbecoming of MoS and rendered himself liable for disciplinary action. Hence the Charge.

DINESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER (SC)

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST SRI BHANWARLAL IAS (83) TO BE SUSTAINED.

1. Andhra Pradesh Public Premises (Eviction of unauthorized occupants) Act, 1968.
2. Govt., Memo No.52525/Accom.B1/2005, dt.3.5.2005
3. Govt. Memo No.2008/Accom.B1/2006-7, Dt.01.5.2006
4. From the Estate Officer, Hyderabad & Secunderabad Lr.No.B1/ Bldg-33/BH-Bld-1372/2004/07, Dt.12.3.2007.
5. Govt. Memo No.92482/Accom.B1/2005, Dt.24.08.2005.
6. Govt. Memo No.6045/Accom.B/2007, Dt.09.05.2007.
7. From the Estate Officer, Hyderabad & Secunderabad Lr.No.EO/DAO/SC/AG/2006/07, Dt.10.05.2007.
8. From the Estate Officer, Hyderabad & Secunderabad Lr.No.B1/ Bldg.No33/1372/2004, Dt.24.01.2013.

DINESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

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SECTION OFFICER (SC)

ANNEXURE-IV

STATEMENT OF WITNESSESS BY WHOM THE ARTICLE OF CHARGE FRAMED AGAINST SRI BHANWARLAL,IAS (83) ARE PROPOSED TO BE SUSTAINED.

1. Estate Officer, Hyderabad and Secunderabad
2. Asst. Engineer/Flats, Banjara Hills, O/o the Estate Officer, Hyderabad & Secunderabad.
3. Revenue Inspector, O/o the Estate Officer, Hyderabad & Secunderabad.

DINESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

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SECTION OFFICER (SC)